

C O V E R

FAX

S H E E T

KUBOVCIK & KUBOVCIK

Crystal Gateway 3
Suite 1105
1215 South Clark Street
Arlington, VA 22202

TEL: 703-412-9494
FAX: 703-412-9345

To: Mail Stop Amendment
Firm: U. S. Patent and Trademark Office
Fax #: 571-273-8300
From: Ronald J. Kubovcik (Registration No. 25,401)
Date: October 10, 2008
Pages : 5 including this cover sheet.

Re : Appl. No. : 10/591,147
Applicant : Ryoichi IMANAKA et al.
Filed : August 30, 2006
TC/A.U. : 1639
Examiner : Jeffery S. Lundgren
Dkt. No. : TAM-066
Cust. No. : 20374

Confirmation No. 6163

Document transmitted herewith:

1. RESPONSE TO RESTRICTION REQUIREMENT DATED SEPTEMBER 10, 2008

(Due: October 10, 2008)

THIS FACSIMILE IS INTENDED ONLY FOR THE INDIVIDUAL OR ENTITY NAMED ABOVE (OR THOSE PROPERLY ENTITLED ACCESS TO THE INFORMATION). UNAUTHORIZED DISTRIBUTION, DISSEMINATION, OR COPY OF THIS TRANSMISSION IS PROHIBITED.

IF YOU HAVE RECEIVED THIS TRANSMISSION IN ERROR, PLEASE DESTROY IT AND IMMEDIATELY NOTIFY US BY COLLECT TELEPHONE CALL OR BY FACSIMILE. THANK YOU

RECEIVED
CENTRAL FAX CENTER

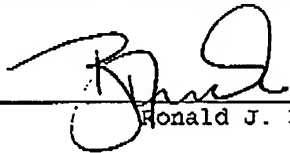
OCT 10 2008

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/591,147 Confirmation No. 6163
Applicant : Ryoichi IMANAKA et al.
Filed : August 30, 2006
TC/A.U. : 1639
Examiner : Jeffery S. Lundgren
Dkt. No. : TAM-066
Cust. No. : 20374

I hereby certify that this paper is being
facsimile transmitted on October 10, 2008, to
the United States Patent and Trademark Office
to facsimile number (571)273-8300.



Ronald J. Kubovcik

RESPONSE TO RESTRICTION REQUIREMENT DATED SEPTEMBER 10, 2008

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

October 10, 2008

Sir:

This paper is submitted in response to the Office Action dated
September 10, 2008.

In the Action, restriction is required between:

(I) claims 11-13, 16 and 19, identified by the
Examiner as being directed to a method for producing a DNA

P:\10-08\tam-066-pro-resp-rest-req.wpd

microarray by providing a disc motor and an object lens;

(II) claims 14 and 24, identified by the Examiner as being directed to a method for producing a DNA microarray by specifying a storing region on a track to be tracked by an optical beam;

(III) claim 15, identified by the Examiner as being directed to a method for removing a protecting group of a nucleotide;

(IV) claim 17, identified by the Examiner as being directed to a method for distinguishing a DNA microarray comprising discriminating a proper DNA by scanning;

(V) claim 18, identified by the Examiner as being directed to a method for using DNA microarray which comprises inspecting a DNA and recording information of the selected address on a recordable portion of the microarray substrate;

(VI) claim 25, identified by the Examiner as being directed to a substrate for use in producing a microarray characterized in that the substrate includes the address by protrudent pits and depressed pits, and has a storing region of a depressed part or a protrudent part of a pregroove or a flat region, a depressed pit or a protrudent pit with a form like a soccer stadium that can be identified by prepit;

(VII) claims 20 and 26, identified by the Examiner as

being directed to a spotting apparatus for spotting liquid probe DNA or protein;

(VIII) claim 21, identified by the Examiner as being directed to a spotting apparatus for spotting liquid probe DNA or protein; and

(IX) claims 22, 23 and 27, identified by the Examiner as being directed to a substrate for use in producing a microarray, wherein a first reflecting layer is formed on the substrate, and at least one layer of light-permeable film is formed on the first reflecting layer.

Applicants elect the subject matter of group (III), claim 15, for prosecution in this application. This election is made without traverse with the understanding that the applicants' rights under 35 U.S.C. §§ 120 and 121 to the filing of a divisional application or divisional applications directed to the non-elected subject matter are retained.

The foregoing is believed to be a complete and proper response to the Office Action dated September 10, 2008. A favorable action on the merits of the elected subject matter is believed to be in order and is respectfully solicited.

In the event any fees are required, please also charge our

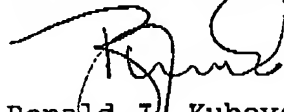
U.S. Patent Appln. S.N. 10/591,147
RESPONSE TO RESTRICTION REQUIREMENT

PATENT

Deposit Account No. 111833.

Respectfully submitted,

KUBOVCIK & KUBOVCIK



Ronald J. Kubovcik
Reg. No. 25,401

Atty. Case No. TAM-066
Crystal Gateway 3
Suite 1105
1215 South Clark Street
Arlington, VA 22202
Tel: (703) 412-9494
Fax: (703) 412-9345
RJK/KTK/esc